



Law

PATENT  
ATTORNEY DOCKET NO. 041501-5594

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                                    |   |                       |
|------------------------------------|---|-----------------------|
| In re Application of:              | ) |                       |
|                                    | ) |                       |
| Hyung Ki HONG                      | ) | Confirmation No. 7999 |
|                                    | ) |                       |
| Application No.: 10/743,093        | ) | Group Art Unit: 2871  |
|                                    | ) |                       |
| Filed: December 23, 2003           | ) | Examiner: T. Duong    |
|                                    | ) |                       |
| For: LIQUID CRYSTAL DISPLAY DEVICE | ) |                       |
| AND METHOD OF FABRICATING          | ) |                       |
| THE SAME                           | ) |                       |

Commissioner for Patents  
U.S. Patent and Trademark Office  
Alexandria, VA 22314

Sir:

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

In a Restriction Requirement dated August 23, 2005, Applicants provide the following response.

Applicant hereby elects, **with traverse**, the Specie shown in FIG. 6 and corresponding to Sub-Specie B1 that includes a liquid crystal display (LCD) device and a method of fabricating an LCD device in which the first and second liquid crystal layers include cholesteric layers (claim 39), as identified by the Requirement.

Applicant respectfully traverses the Election of Species Requirement on a first ground that the Specie groupings identified by the Requirement are improper. Specifically, Applicant respectfully asserts that claims are never species, as instructed by MPEP 806.04(e). Accordingly, the Requirement improperly attempts to define the alleged Species A1, A2, B1, and B2 by the explicit features recited in the claims. Thus,

Applicant respectfully asserts that the Requirement fails to establish any proper grounds for requiring election.

In addition, Applicant respectfully traverses the Election of Species Requirement on a second ground that the Requirement fails to properly identify any Specie that corresponds to the features recited by claims 7-12. Specifically, Applicant respectfully asserts that the embodiment shown in FIG. 3 has been completely disregarded. Accordingly, Applicant respectfully asserts that the Requirement fails to establish any proper identification of the alleged Species with which to require election.

Finally, Applicant respectfully traverses the Election of Species Requirement on a third ground that the generic claims identified by the Requirement are incorrect. Specifically, Applicant's election of the Specie shown in FIG. 6 is also generically encompassed by claims 1, 4-6, 21, and 24-26. Accordingly, Applicant respectfully asserts that claims 1, 4-6, 13-21, 24-26, and 33-38 are all generic to the Specie shown in FIG. 6. Thus, Applicant respectfully asserts that the Requirement fails to establish any proper identification of generic claims in order for requiring election.

As noted in the Office Action, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. Accordingly, upon allowance of at least generic claims 1, 4-6, 13-21, 24-26, and 33-38, Applicant will be entitled to consideration of claims 2, 3, 22, 23, and 40, as identified by the Requirement.

Applicant respectfully requests formal examination of this application.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:



David B. Hardy  
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Dated: September 23, 2005

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